

## AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A device for use in a cardiovascular surgery on the beating heart comprising:

a means for stabilizing the beating heart comprising a contact member shapeable ~~shaped~~ to engage the surface of the beating heart; and

means for introducing a positive or negative fluid pressure to said contact member, wherein introduction of said positive or negative fluid pressure fixes a present shape of the contact member.

Claims 2-11 (Canceled)

12. (Previously Presented) The device of claim 1, wherein said contact member comprises a hollow portion containing a conformable material therein.

13. (Previously Presented) The device of claim 12 wherein said conformable material is granular, a polymeric, or a gel.

Claims 14-45 (Canceled)

46. (Previously Presented) The device of claim 1, wherein said contact member is formed of a malleable material.

Claims 47-52 (Canceled)

53. (Currently Amended) The device of claim 1 wherein said contact member comprises ~~is formed of~~ a single continuous wire.

Claims 54-57 (Canceled)

58. (Previously Presented) The device of claim 1 wherein said contact member is inflatable.

Claims 59-189 (Canceled)

190. (Currently Amended) A device for use in cardiovascular surgery on the beating heart, comprising:

a shaft member means having a distal end portion and a proximal end portion; and

at least one continuously adjustable contact member connected to said distal end portion of said shaft member and comprising a flexible tube means, said at least one continuously adjustable contact member adapted to be adjusted to a shape to substantially conform to a surface of the heart, and maintained in said shape by said device.

191. (Previously Presented) The device of claim 190, wherein said at least one continuously adjustable contact member is adapted to be bent into a U-shaped configuration.

192. (Currently Amended) The device of claim 190, wherein said at least one continuously adjustable contact member is configured for application of a vacuum thereto to substantially fix the at least one contact member in its currently adjusted shape configuration.

193. (Canceled)

194. (Currently Amended) The device of claim 193, wherein said flexible tube contains a plurality of particles or beads.

195. (Previously Presented) The device of claim 194, further comprising a vacuum lumen connecting with said flexible tube, wherein upon application of vacuum through said vacuum lumen, said particles or beads are compressed by atmospheric pressure causing said flexible tube to become substantially rigid.

196. (Currently Amended) The device of claim 190 ~~193~~, further comprising a malleable member extending along least a portion of a length of said flexible tube.

197. (Previously Presented) The device of claim 196, wherein said malleable member comprises

a wire.

198. (Previously Presented) The device of claim 194, further comprising a malleable member extending along at least a portion of a length of said flexible tube.

199. (Previously Presented) The device of claim 198, wherein said malleable member comprises a wire.

200. (Previously Presented) The device of claim 196, further comprising a plurality of disks disposed along said malleable member.

201. (Previously Presented) The device of claim 198, further comprising a plurality of disks disposed along said malleable member.

202. (Currently Amended) The device of claim 190 ~~193~~, wherein said flexible tube is inflatable.

203. (Previously Presented) The device of claim 190, wherein said at least one continuously adjustable contact member comprises a pair of continuously adjustable contact members.

204. (Previously Presented) The device of claim 190, wherein said at least one continuously adjustable contact member comprises a plurality of continuously adjustable contact members.

205. (Previously Presented) The device of claim 203, wherein each of said pair of continuously adjustable contact members comprises a flexible tube.

206. (Previously Presented) The device of claim 205, wherein each said flexible tube contains a plurality of particles or beads.

207. (Previously Presented) The device of claim 206, further comprising a vacuum lumen connecting with each said flexible tube, wherein upon application of vacuum through said vacuum lumen, said particles or beads are compressed by atmospheric pressure causing said flexible tubes to become substantially rigid.

208. (Previously Presented) The device of claim 207, further comprising a malleable member extending along least a portion of a length of each said flexible tube.

209. (Previously Presented) The device of claim 208, wherein each said malleable member comprises a wire.

210. (Previously Presented) The device of claim 208, further comprising a plurality of disks disposed along each said malleable member.

211. (Currently Amended) The device of claim 205 ~~203~~, wherein each said flexible tube is inflatable.

212. (Currently Amended) A method of preparing a device for use in cardiovascular surgery on the beating heart, wherein the device has at least one continuously adjustable contact member adapted to be adjusted to substantially conform to a surface of the heart, said method comprising the steps of:

manipulating the at least one continuously adjustable contact member to adjust a shape of a contact surface of the contact member into a desired configuration, wherein the contact surface is configured to contact the surface of the heart; and

substantially fixing the desired configuration.

213. (Previously Presented) The method of claim 212, wherein the device is deployed for use in minimally invasive cardiovascular surgery, said method further comprising the steps of:

prior to said manipulating into a desired configuration, manipulating the at least one continuously adjustable contact member into a configuration capable of passing through a minimally invasive opening providing access to the heart; and

passing the at least one continuously adjustable contact member through the minimally invasive opening which provides access to the heart.

214. (New) A device for use in cardiovascular surgery on the beating heart, comprising:

a shaft member having a distal end portion and a proximal end portion; and

at least one continuously adjustable contact member connected to said distal end portion of said

shaft member, said at least one continuously adjustable contact member comprising a wire configured to be adjusted to substantially conform a contact surface of said contact member to a surface of the heart.

215. (New) A device for use in a cardiovascular surgery on the beating heart comprising:  
a means for stabilizing the beating heart comprising a contact member including a shape memory material and shaped to engage the surface of the beating heart.

216. (New) A device for use in cardiovascular surgery on the beating heart, comprising:  
a shaft member having a distal end portion and a proximal end portion; and  
at least one continuously adjustable contact member connected to said distal end portion of said shaft member, said at least one continuously adjustable contact member adapted to be adjusted to a shape to substantially conform a contact surface of said contact member to a surface of the heart.